

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY A. LITTLE,

Defendant.

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CASE NO. 1:20-cr-00552-1

ORDER

[Resolving Doc. 94]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendant Anthony Little moves for a sentence reduction under 18 U.S.C. § 3582(c)(2) and U.S. Sentencing Guidelines Amendment 821.¹

Amendment 821, Part B reduces by two offense levels the guideline range for defendants with zero criminal history points.² Defendants qualify for this two-level reduction only if they do not apply for any of the nine exceptions in the guideline.³

Although Amendment 821 applies retroactively, a district court may not modify a defendant's sentence based on a retroactive amendment unless the defendant is eligible under U.S. Sentencing Guidelines § 1B1.10.⁴ And under § 1B1.10(a)(2)(B), a defendant is not eligible if applying the retroactive amendment does not lower the defendant's guideline range.⁵

Defendant Little is not eligible for the Amendment 821, Part B reduction. In this case, the Court sentenced Defendant Little using a total offense level of twenty-two and a Criminal

¹ Doc. 94.

² U.S. Sent'g Guidelines Manual § 4C1.1 (U.S. Sent'g Comm'n 2023); *see also* <https://www.ussc.gov/guidelines/amendment/821>.

³ *Id.*

⁴ *Dillon v. United States*, 560 U.S. 817, 827 (2010).

⁵ U.S.S.G. § 1B1.10(a)(2)(B).

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History Category II.⁶ Little received three criminal history points for 1994 drug and money laundering convictions.⁷ Under § 4C1.1, he is ineligible for a reduction.

For this reason, Defendant Little is not eligible for a sentence reduction under Amendment 821 and § 3582(c)(2). The Court **DENIES** the sentence reduction motion.

IT IS SO ORDERED.

Dated: February 15, 2024

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ Doc. 52, PageID #: 356; Doc. 63, PageID #: 421.

⁷ Doc. 52, PageID #: 357.